



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Minutes - Final City Plan Commission

Alderman Dennis Wiser
Mayor John Dickert
Molly Hall
Elaine Sutton Ekes
Vincent Esqueda
Tony Veranth
Pastor Melvin Hargrove

Wednesday, September 24, 2014

4:15 PM

City Hall, Room 205

Call To Order

Alderman Dennis Wiser called the September 24, 2014 Plan Commission meeting to order at 5:30 p.m.

PRESENT: 6 - Elaine Sutton Ekes, Vincent Esqueda, Tony Veranth, Molly Hall, Melvin Hargrove and Dennis Wiser

EXCUSED: 1 - John Dickert

Others present:

Matt Sadowski, Assistant Director of City Development
Jill Johanneck, Associate Planner
Ken Plaski, Chief Building Inspector / Zoning Administrator

Approval of Minutes for the August 27, 2014 Meeting

A motion was made by Commissioner Hall, seconded by Commissioner Esqueda, to approve the August 27, 2014 meeting minutes, as amended. The motion PASSED by a Voice Vote. Commissioner Sutton Ekes abstained from vote.

Approval of Minutes for the September 10, 2014 Meeting

A motion was made by Commissioner Hargrove, seconded by Commissioner Sutton Ekes, to approve the September 10, 2014 meeting minutes, as amended. The motion PASSED by a Voice Vote. Commissioner Sutton Ekes abstained from vote.

[14-10520](#)

Subject: (Ord.10-14) An Ordinance amending Sec. 114-36 penalty for violation of chapter, of the Municipal Code of the City of Racine, Wisconsin.

Recommendation of the City Plan Commission on 8-27-14: That Ordinance 10-14 be adopted.

Recommendation of the City Plan Commission on 9-25-14: To

reaffirm the recommendation of the August 27, 2014 meeting and that Ordinance 10-14 be adopted, as presented.

Fiscal Note: N/A

The Commission reviewed a memorandum from the Chief Building Inspector and Zoning Administrator regarding the proposed ordinance to modify Section 114-36 as it relates to the assessment of inspection fees and citations. The Ordinance has been before the Commission previously but was referred back from the Common Council for further review.

Mr. Plaski advised the ordinance change would allow more latitude to the inspector when they're enforcing zoning code violations. Currently, if a violation is found, a citation for \$555.00 is written and rectification of the offense is required within 30 days. As proposed, if the violation is not rectified within the 30 day timeframe, a \$150 inspection fee will be assessed to the property owner. This eliminates the \$555.00 fee being assessed up-front, and allows for a more reasonable timeframe for property owners to correct violations.

Commissioner Sutton Ekes moved that based on the recommendation of the August 27th 2014 be followed and that Ordinance 10-14 be adopted. Second by Commissioner Veranth. Motion carried. Ayes – all.

Hearing no objections from Commission members, Alderman Wisner allowed for comments from the audience. Mr. George Meyer requested clarification about the property owner getting the citation if the tenant is the violator and feels this ordinance shifts who is responsible for the fine.

Alderman Perez also spoke on the item, expressing concern over clarification of the language on who has to pay the fine. Mr. Plaski advised this ordinance does not change who gets assessed the fine, and that it has always been the position of the City that the property owner gets the fine or citation.

Commissioner Hargrove clarified with Mr. Plaski that the fine changes to \$150 with 30 days allowance to rectify the violation. Commissioner Esqueda expressed concern that the property owner may not get the notice, such as if they live out of town. Mr. Plaski advised they are mailed to the property owners to the addresses on file with the assessor's office.

Alderman Wisner re-stated the motion and verified an all-aye vote.

A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Veranth, that the recommendation of August 27th be followed and that Ordinance 10-14 be recommended for adoption. The motion PASSED by a Voice Vote.

4:30 P.M. PUBLIC HEARINGS

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14-10608

Subject: (Direct Referral) A request from TMC Wisconsin, representing CVS Pharmacy, for conditional use approval for a new pharmacy/retail store at 3915/3917 Durand Avenue. (Res. No. 14-0430)

Recommendation of the City Plan Commission on 10-08-14: That

the item be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice 3915-3917 Durand Avenue](#)

Commissioner Sutton Ekes requested to be excused from participation and voting on this item.

Associate Planner Johanneck presented the proposed CVS to be located on the southwest corner of Durand Avenue and Lathrop Avenue. A review of the area, property and surrounding zoning, aerial views and a slide identifying the location of the Village of Elmwood Park, the old Kohl's food store and restaurant that will be demolished, and the approximate location of the new retail store. She advised it is approximate as the current property boundaries will be changed by the applicants who will be doing a certified survey map to create new parcel boundaries. The existing Laundromat and dollar store, located within Elmwood Park, are to remain. Parking between the buildings is shared.

The applicants provided much new information since their initial submittal, which addressed many of Staff's concerns. A review of these items was provided to the Commission, including landscaping, signage, lighting, certified survey map, parking, hours of operation, staffing, location of ingress/egress and the bus stop, trash enclosure, shielding of the roof mechanical equipment, building elevations and materials, as well as other items. Following Staff's presentation, the applicants presented their plans to the Commission

Richard Donner, attorney for the applicant, introduced the development team to discuss the proposal. Brad Prischman referred to the handouts and addressed the overall site plan. The loading area traffic circulation was clarified. He discussed the driveway locations, and that one of the existing driveways on Durand Avenue will be closed off. He clarified the proposed road layout reflects the future changes proposed for Durand Avenue scheduled by the State to occur around 2020. He also advised they will be purchasing the entire property, including the buildings in the Village of Elmwood Park, and the new property lines will be reflected on the certified survey map. The area where the Kohl's is being torn down will become a new developable lot for the Village.

The Public Hearing opened at 4:59 p.m.

Mr. Tom Mills, Village of Elmwood Park President, spoke on the item. He expressed concerns that when the property is re-surveyed a portion will be within the area of the Village, and they were not advised of any intentions to take over any portion of the Village. He is also concerned about the loss of commercial property in maintaining their status as a Village. He does support this proposal.

Mr. Donner responded to Mr. Mills concerns that the CSM will not to take any land from the Village into the City. The first steps in re-development of this area is to remove the former Kohl's grocery store building and get their building built, and the area of the Kohl's will retain its commercial zoning.

The Public Hearing closed at 5:03 p.m.

Due to the late timing of the resubmittal of plans and the lack of conditions of approval, Staff recommended deferral.

A motion was made by Commissioner Hargrove, seconded by Commissioner

Esqueda, to defer the item back to Staff for preparation of conditions of approval. The motion PASSED by a Voice Vote. Commissioner Sutton Ekes abstained from vote.

14-10610

Subject: (Direct Referral) A request from Nathan Ward of Buell Consulting, representing Careers Industries, seeking a conditional use permit to install a cellular mono pole at 3502 Douglas Avenue. (Res. No. 14-0409)

Recommendation of the City Plan Commission on 9-24-14: That the item be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice 3502 Douglas Avenue](#)
[\(14-10610\) CU 3502 Douglas Ave](#)

Associate Planner Johanneck provided a review of the proposed location and surrounding zoning, views of surrounding properties, aerial views, and the location of the pole on the site. The pole and base equipment is proposed to be located at the very northwest corner of the property.

The site will generally be serviced twice per month and the pole/equipment area is designed for three carriers. The tower height is proposed at 120-feet tall, with an 8-foot tall lightning rod making a total height of 128-feet. The base area will be surrounded by 8-foot high fencing with no razor wire, due to the proximity to the residential to the north. Verification from the FAA was provided that this proposed pole is not a hazard to air navigation. Ms. Johanneck advised that the state has passed legislation on location of monopoles and review criteria, which is quite lenient in selection of location and other criteria, leaving little room for negotiation on location and possible improvements. The request meets the state regulations and Staff recommends approval of the request subject to conditions.

Public Hearing opened at 5:07 p.m.

1. Mark Malucky, 3706 Douglas Avenue (Douglas Avenue Apartments) spoke on the item. He is the manager of the Douglas Avenue apartments and stated that this will affect numerous tenants. He requested some sort of screening to block the site from the view of the tenants.

2. Nathan Ward, Buell Consulting (representing the applicant), spoke to the concerns of Mr. Malucky. He stated the need for this pole does exist as it lies between two existing poles, and that in more urban environments the towers are coming closer together. They did look at other properties however decided this was the best location.

Commissioner Veranth asked Mr. Ward if there is any way to screen from the adjacent residential property. Mr. Ward advised they do go right up to the property line, and the ground is all asphalt which limits the ability to plant any type of vegetation, but would be willing to install a trex-type fencing, or opaque covering, which would shield the interior of the chain linked lease area from view. Mr. Ward clarified questions about sound emissions as well, indicating the tower does not emit any noise; however there are air conditioning units that operate to keep the shelter equipment cool during hot periods, and will make noise similar to a central air conditioning unit. Also, a back-up generator, which runs once a month, will emit some

noise when it is running. This occurs during daytime hours.

Public Hearing closed at 5:18 p.m.

Commissioner Sutton Ekes asked Staff about the fencing. Ms. Johanneck advised she is supportive of the addition of opaque screening for the base equipment area to provide some buffering to the residential property to the north.

A motion was made by Commissioner Veranth, seconded by Commissioner Esqueda, to recommend approval of the item, subject to Staff recommendations, and to include a condition f. to state that the fence shall be fitted with an appropriate opaque treatment to screen the equipment shelters, being subject to approval of the Department of City Development. The motion PASSED by a Voice Vote.

14-10611

Subject: (Direct Referral) A request by Frank Carrera, representing The Olive Garden, for an amendment to the Regency Mall planned unit development to remodel the restaurant located at 6000 Durand Avenue. (Res. No. 14-0410)

Recommendation of the City Plan Commission on 9-24-14: That the item be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice 6000 Durand Avenue](#)
[\(14-10611\) CU 6000 Durand Avenue](#)

Ms. Johanneck provided general information on the request in an outlot by Regency mall, and reviewed property and surrounding zoning, site views, aerial views and photos of the existing look of the building. She advised signage is not being requested for approval at this time. Color selections as proposed by the applicant were passed around to the commission members. The applicant has stated the parking lot will be re-sealed and striped in addition to the internal and external remodels.

The main entry way will be enhanced with a peaked roof and simulated stone veneer. Existing awnings and framing will be replaced and/or repaired as needed. The color scheme along with the entryway enhancements will provide a much needed revitalization for the restaurant.

Public Hearing opened at 5:26 p.m.

1. Jeff Zimmerman, 34300 Honey Lane, Burlington WI, is the general manager and was present to answer any questions the Commission may have.

Public Hearing closed at 5:28 p.m.

Ms. Johanneck added that Alderman Hart sent an email stating his support of the proposal.

A motion was made by Commissioner Hall, seconded by Commissioner Esqueda, to recommend approval of the item, subject to Staff recommendations. The motion PASSED by a Voice Vote.

14-10612

Subject: (Direct Referral) A request by George Stinson to amend a

conditional use permit to allow for laser tag and video games, in addition to an indoor flea market, at 1325 Sixteenth Street. (Res. No. 14-0431)

Recommendation of the City Plan Commission on 10-08-14: That the item be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice 1325 Sixteenth Street](#)

Ms. Johanneck advised this item was before the Commission in May of this year for a use in the building at 1325 Sixteenth Street an indoor flea market, currently being marketed as the 'Racine Urban Market'. A review of the general area, zoning were provided. At the time of the initial review, Staff determined there was inadequate parking for the number of vendors that had been approved. The applicant, Mr. George Stinson, was advised he would be limited to 20 vendors due to lack of parking. He is currently requesting to go from 20 vendors to 50 vendors. He just received his occupancy certificate yesterday for the flea market with 20 vendors. The current request is also to add laser tag and video game rooms. Staff advised the Commission that per the building inspector, the obstacle course for the tag is already in place, and that Mr. Stinson is doing construction inside the building without building permits.

Per the current proposal, the flea market would occupy 10,000 square feet, the laser tag 21,000 square feet, and video game area 4,992 square feet. Hours of operation are being changed as well; the applicant is requesting the flea market to be open on Saturdays and Sundays from 9:00 a.m. – 5:30 p.m., and the laser tag/video game area hours to be from 9:00 a.m. – 9:00 p.m., Tuesday through Sunday. These hours result in overlap of parking for the uses. Calculating the parking amount results in a code requirement of 639 total spaces, based on the flea market and considering the other uses as 'indoor recreation' per the parking section of the zoning code. The applicant is proposing 39 customer spaces and 11 vendor spaces, which encroach into the railroad right-of-way on the western edge of the property. The City has nothing on record allowing parking within this right-of-way.

Staff feels the building is large enough to support the uses, but is very concerned about the amount of parking. If the applicant can find additional parking and follow the conditions, Staff could recommend approval subject to conditions.

Public Hearing opened at 5:34 p.m.

1. George Stinson came forward to speak. He explained he is trying to get use of the building, and feels they are where they should be except for the parking. He advised he talked to the owners on the corner and that he has an agreement to use that area for parking.

Commissioner Veranth questioned the parking for vendors. Ms. Johanneck advised there are 29 parking spaces for vendors and 11 for vendors, which may result in an overlap with the customer spaces. Mr. Stinson advised he has a road down along the tracks that is on his property, and that they have a lot of space to the east and south of them for parking. Ms. Johanneck advised Commissioner Hargrove she has not received any parking agreements from the applicant. Commissioner Veranth asked about the unpaved portion of the lot and if that could be used for parking. Ms. Johanneck advised it may be possible, however would need to verify with the

Engineering department whether it would need to be paved within a certain timeframe.

Ms. Johanneck stated no comprehensive and concise plan of the property, or possible available legal parking spaces, has been provided for Staff review. Mr. Stinson advised they currently have only 5 vendors for the flea market, and because it has been so slow they are looking for other ways to generate income. He advised there are 30 spaces he can lease from the neighbor to the east. And when there is an overlap of uses, that he can use space across the street to the north for parking.

Commissioner Sutton Ekes questioned the parking as well and the number of spaces required being high. Ms. Johanneck advised that calculation is based on the size of the building and land as required per the zoning ordinance, and feels it is excessive. If there is a deviation from the requirement, it would need guidance from the Commission. Commissioner Sutton Ekes asked if Staff had a suggestion about what that deviation from 639 required spaces may be. Ms. Johanneck advised not at this time. Alderman Wisner reminded the Commission that this conditional use was originally approved subject to a year review, which will remain a condition. Mr. Stinson advised the laser tag is scheduled by reservation, and he anticipates 30 people at any given time for 10 minute intervals.

2. Guy Singer, 1514 Junction Avenue, advised he is concerned of the hours and noise with the laser tag and video games, and that if these uses fail this will turn into a rave-type party. Ms. Johanneck verified the proposed hours for Mr. Singer.

Commissioner Sutton Ekes asked if they do deviate, condition d. does not specify a number for the deviation. She asked if Staff is looking for the Commission to determine a number, or defer due to the fact that there is just not enough information to base a number on. Ms. Johanneck advised she would be comfortable with a deferral until additional information on what parking agreements the applicant can obtain is provided, and not speculate on what may or may not be available.

A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Veranth, to defer item 14-10612 to the next meeting to allow the applicant to submit parking information to Staff. The motion PASSED by a Voice Vote.

Administrative Business

None.

Adjournment

Alderman Wisner adjourned the meeting at 7:00 p.m. without objection.